

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 18, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-19282 - APPLICANT: PETER PAPAS - OWNERS: AEGEAN ISLE, WEST CHARLESTON ANIMAL HOSPITAL, AND DIXIE LEAVITT AGENCY

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 4, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN WOLFSON.

**** CONDITIONS ****

The Planning Commission (6-1/sd vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (Z-0004-97), and Site Development Plan Review (SDR-3108)
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

Request for a Variance to allow 267 existing parking spaces where 301 parking spaces are required for an existing shopping center on 5.20 acres at 7881 West Charleston Boulevard. This request stems from the changes in Title 19.04 and 19.10 during the time that a commercial subdivision went through various development reviews

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
Month/date/year	Action
3/10/97	The City Council approved a Rezoning (Z-0004-97) from N-U (Non-Urban) Zone to C-1 (Limited Commercial) on property located on the south side of Charleston Boulevard, approximately 330 feet west of Buffalo Drive for a proposed office and retail center.
3/11/98	The City Council approved a request for an Extension of Time [Z-4-97(1)] for an approved Rezoning from the U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone on 5.00 acres located on the south side of Charleston Boulevard, approximately 330 feet west of Buffalo Drive for a proposed office and retail center.
11/06/00	The City Council approved a request for a Reinstatement and Extension of Time [Z-4-97(1)] for an approved Rezoning from the U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone on 5.50 acres located on the south side of Charleston Boulevard, approximately 330 feet west of Buffalo Drive for a proposed office and retail center.
11/14/00	A Request for an Administrative Site Development Plan Review [Z-0004-97(3)] for a proposed 58,528 square-foot office development on 5.50 acres located on the south side of Charleston Boulevard, approximately 330 feet west of Buffalo Drive was administratively approved by the Planning and Development Staff.
6/06/02	A Request for an Administrative Site Development Plan Review [Z-0004-97(4)] for a proposed 6,735 square-foot office development on 0.59 acres located at 7881 West Charleston Boulevard was administratively approved by the Planning and Development Staff.
12/03/03	The City Council approved a request for a Site Development Plan Review SDR-3108 and a Waiver from the Perimeter Buffer and Parking Lot Landscaping Requirements and Commercial Design Standards for a one-story commercial building on 0.64 acres.
03/08/07	The Planning Commission voted 6-1/sd to recommend APPROVAL (PC Agenda Item #23/mh).

<i>Related Building Permits/Business Licenses</i>	
Month/date/year	Building Permits & Location:
3/29/01	7881 West Charleston Boulevard: Certificate of Completion Issued under Plan Check #C-0216-00.
8/11/03	7891 West Charleston Boulevard: Certificate of Occupancy Issued under Plan Check #C-0025-02
12/13/04	7871 West Charleston Boulevard Certificate of Completion Issued under Plan Check #C-0367-03
Month/date/year	Business License & Location:
	7871 West Charleston Boulevard
5/24/05	Yassou Greek Grill: R07-678 Ste 110
5/24/05	Cute Nail: B05-2978 Ste 120
6/24/05	The Pilates Place: M14-117, S14-726 Ste 140
4/19/05	Tsunami Day Spa: B05-2974, P03-28 & Skin Deep: C14-487 Ste 150
5/10/06	Verandah: D06-928, F07-1797 Ste 170
	7881 West Charleston Boulevard
Beginning 7/01/02	Buffalo-Charleston Office Building (multiple individual licenses for various office uses only) Ste's 110-250
	7891 West Charleston Boulevard
7/31/06	West Charleston Animal Hospital Q14-00069
<i>Pre-Application Meeting</i>	
11/14/06	A pre-application conference was held with the applicant, his representative, and staff to discuss the ongoing issue with a perceived parking shortage on the property located at 7871 West Charleston Boulevard. Staff recommended that a parking analysis be provided for the three buildings in the "Buffalo-Charleston Office-Building" commercial subdivision and that a Variance be requested to cover a shortage of provided parking created from the previous administrative approvals.
<i>Neighborhood Meeting</i>	
NA	A neighborhood meeting was not required nor was one held.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	5.20 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Center	SC (Service Commercial)	C-1 (Limited Commercial) Zone
North	LVVWD Reservoir	PF (Public Facilities) & ML (Medium Low Density)	C-V (Civic) & R-PD12 (Residential Planned Development – 12 DUAC)
South	Public Park	PR-OS (Parks/Recreation/Open Space)	C-V (Civic) Zone
East	Restaurant & Commercial Retail	SC (Service Commercial)	R-PD14 (Residential Planned Development – 14 DUAC)
West	Apartments	M (Medium Density Residential)	C-1 (Limited Commercial) Zone

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	NA
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center		1:250 SF GFA					
7871 W. Charleston Bl.	10,053 SF	1:250 SF GFA	41				
7881 W. Charleston Bl	58,528 SF	1:250 SF GFA	234				N
7891 W. Charleston Bl	6,500 SF	1:250 SF GFA	26				N

TOTAL	75,081 SF	1:250 SF GFA	301	7	267	10	N
Percent Deviation					12%		N

ANALYSIS

This Variance to the Title 19.10 parking requirements stems from the result of a three-phased development that inadequately addressed parking in its totality. The first phase consisted of a 58,528 square-foot office building (7881 West Charleston Boulevard) that was approved through an administrative site plan development review [Z-0004-97(3)]. The parking requirement was calculated for office use at one space per each 300 square feet of building gross floor area (GFA) for a total parking requirement of 196 spaces. The development provided 208 spaces.

The following development, a 6,500 square-foot veterinary clinic, (7891 West Charleston Boulevard) was also approved through an administrative site development plan review [Z-0004-97(4)]. The project had an individual parking load calculated at a rate of 1 space per 2 on-duty employees, plus one space per exam room, and one space per each veterinarian for a total of 10 spaces; the applicant provided 19 spaces. The cumulative total for the two lots of the commercial subdivision totaled 217 spaces.

When the third lot of the commercial subdivision was reviewed under Site Development Plan Review (SDR-3108) for a 9,253 square-foot retail building, the parking standard utilized was for a commercial center at a rate of 1 parking space per 250 square feet of gross floor area. Under this parking calculation, the total required parking was 36 spaces of which 24 spaces were provided on site. As the commercial subdivision had provided a shared parking agreement within its Codes, Covenants, and Restrictions, the shortage of parking from the retail center was applied to the overall parking provided on the commercial subdivision. Due to the fact that total parking count of the commercial subdivision was derived from an itemized listing of individual uses and not the General Retail Store, Other Than Listed use, an improper amount of parking has resulted for the individual lot located at 7871 West Charleston. Since the approval of the shopping center portion of the development was completed, the total on-site parking provided is 267 spaces with 10 of those spaces dedicated for accessibility. Staff is recommending that all uses on the commercial subdivision be combined under the General Retail Store, Other Than Listed use and to calculate the parking requirement at a rate of 1 space per 250 square-feet gross floor area. Doing this will result in a net parking requirement of 301 spaces, with an adequate amount of accessible spaces already being provided.

The result has been that the businesses at 7881 W. Charleston Boulevard have been restricted in use due to a calculated parking shortage. There are two lease-able spaces that are not adequately accommodated by the previous approvals. The commercial subdivision provides a shared parking agreement for customers visiting all three lots with a considerable time-shift in use throughout the day. The office and veterinarian parking is available to the restaurant customers at 7871 W. Charleston Blvd. during the later portion of the day, with the opposite holding true for the office and animal hospital during the day. As there has been no record of parking shortages or complaints, it is a reasonable expectation that an approved Variance will address the parking requirements without adversely affecting the overall parking provisions on the commercial subdivision. Therefore, staff is recommending the approval of this requested Variance to allow 301 spaces.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

Staff believes that cumulative actions resulting from two previous administrative Site Development Plan Reviews covering the office building and veterinary clinic in combination with the Site Development Plan Review for the one-story commercial building resulted in the appearance of a parking shortage. The applicant seeks to remedy this situation by applying the General Retail Store, Other Than Listed on-site parking requirement to the entire commercial subdivision and requesting a Variance to cover a 12% shortage of required parking spaces.

PLANNING COMMISSION ACTION

At the Planning Commission meeting it was established that a shared parking agreement is on file with the city.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 308 by City Clerk

APPROVALS 0

PROTESTS 1